

HMK/jb GA7923

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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LOUIS DREYFUS CORPORATION

Plaintiff,

07 Civ. 6622 (WHP)  
ECF CASE

-against-

M/V CMA CGM CORTES, her engines,  
boilers, tackle, etc., ALPHA SHIPMANAGEMENT  
GMBH & CO., KG, ALPHA SHIP GMBH & CO  
KG MS 'NEPTUN', COMPANIA SUD AMERICANA  
DE VAPORES S.A. (C.S.A.V.)

**NOTICE OF DEPOSITION  
UNDER RULE 30(b)(6)  
AND REQUEST FOR  
DOCUMENTS UNDER  
RULES 30(b)(5) AND 34**

Defendants.  
-----X

S I R S:

PLEASE TAKE NOTICE that plaintiff will take the deposition of defendants with respect to all matters material and relevant herein on the 19<sup>th</sup> day of December, 2007, at 10:30 a.m. before a duly commissioned notary public at the office of the undersigned or other designated place and time.

PLEASE TAKE FURTHER NOTICE that under Rule 30(b)(6), F.R.Civ.P., defendants are required to designate and produce a witness or witnesses with knowledge of the following:

1. The facts of the voyage described in the Complaint herein.
2. The facts of the quantity and condition of the cargo described in the Complaint when received for shipment at Santa Ana, El Salvador.

3. The facts of the quantity and condition of the cargo described in the Complaint when loaded aboard the vessel at Santo Thomas de Castillo, Guatemala.

4. The facts of the care, custody, and security afforded the cargo during the entire period of time between Santa Ana, El Salvador and Santo Thomas de Castillo, Guatemala.

5. All details of the booking of the subject cargo.

6. The facts of any investigation by defendants, police, or other government authorities regarding the loss of cargo during the period from receipt of the cargo to the loading aboard the vessel.

PLEASE TAKE FURTHER NOTICE that defendants are required to produce the following documents and things prior to the deposition:

1. All booking correspondence and notes.

2. All receiving records for the subject cargo including mates receipts, dock receipts, container interchange receipts, loading tallies, preloading and loading survey reports with color photos; all preliminary, revised and final stowage plans.

3. All correspondence, telefaxes, emails and telephone notes concerning the subject cargo and voyage in suit with any and all persons and entities, including but not limited to terminal personnel, truckers, police, vessel owners, operators, charterers, insurers, surveyors, agents, brokers, and cargo owners,

4. All documents regarding the receipt and delivery of the subject cargo for the subject voyage including container interchange receipts, delivery receipts,

tallies, OS&D reports, survey reports, notices of protest, investigations, and notations of loss of the subject cargo.

5. All writings, correspondence, records, files and papers relating to all investigations of claims for loss of the cargo, including the results of such investigations, all instructions and/or inquiries to terminal personnel, truckers, agents, surveyors, and P&I correspondents and P&I clubs.

Dated: November 16, 2007

KINGSLEY, KINGSLEY & CALKINS

Attorneys for Plaintiff

BY: 

STEVEN P. CALKINS

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(516) 931-0064

To: MAHONEY & KEANE, ESQS.  
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FREEHILL, HOGAN & MAHAR, LLP  
Attorneys for Defendants Alpha  
80 Pine Street  
New York, NY 10005-1759  
(212) 425-1900

**DECLARATION OF SERVICE BY U.S. MAIL**

I hereby declare under the penalty of perjury as prescribed in 28 U.S.C. Sec. 1746, that a true and correct copy of the


**NOTICE OF DEPOSITION UNDER RULE 30(b)(6) AND  
REQUEST FOR DOCUMENTS UNDER RULES 30(B)(5) AND 34**

was served on November 16, 2007, via U. S. First Class Mail by depositing same at an official depository of the U.S. Postal Service in a postage prepaid sealed envelope addressed to:

FREEHILL, HOGAN & MAHAR, LLP  
80 Pine Street  
New York, NY 10005-1759

MAHONEY & KEANE, ESQS.  
111 Broadway, 10<sup>th</sup> Floor  
New York, New York 10006

Executed at: Hicksville, New York  
November 16, 2007

  
MARILYN BURNS